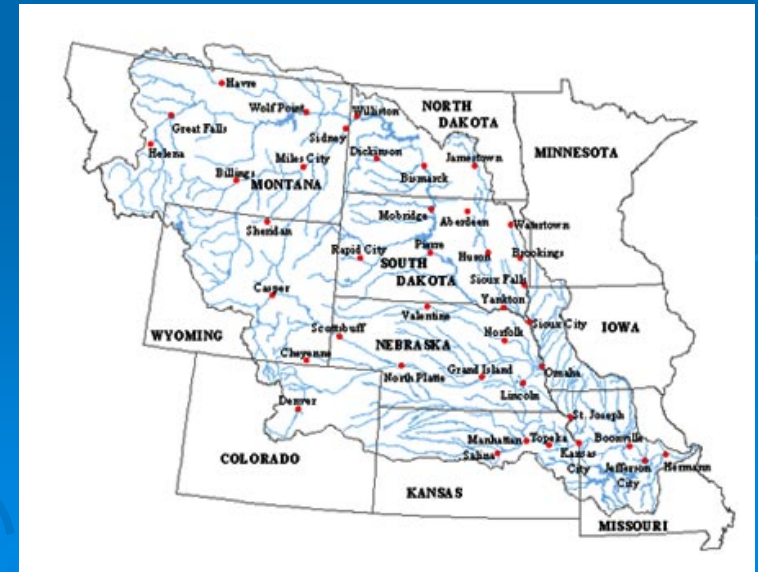


SITUATION ASSESSMENT REPORT ON THE FEASIBILITY AND CONVENING OF A MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE

Prepared by
CDR Associates
February 28, 2006



Goals of any Situation Assessment

(page 4 and Appendix 2)

➤ To Identify

- Topics most important to stakeholders
- Stakeholders' interests, concerns, perspectives on topics
- Stakeholders who might participate in dialogue
- Possible structures for a dialogue
- Other information to assist decision makers in deciding whether/how to proceed with a dialogue

Preparing the Report (page 4-7)

- The CDR Team (Appendix I)
- The interviews (Appendix V), interview questions (Appendix IV)
- The Situation Assessment Advisory Group's Role (Appendix III)
- Preparing this draft
- Research, other models (Appendix VI)

Focus, Scope and Mandate of MRRIC (pages 7-11)

- From broad to narrow, frequently mentioned areas are
 - Focus on the general health of the river—the ecosystem
 - Focus on the recovery of threatened and endangered species
 - Focus on all species—listed or likely to be listed at some time
 - Focus on protecting and balancing the uses of the river—which will then result in protection of species

Draft Statement of Goals— for Consideration (page 10)

- Broadly representative committee focusing on ESA issues
- Listening & learning from each other to make consensus recommendations to Federal agencies
- Using Adaptive Management principles
- Preventing other species from being listed
- Respecting other uses, maximizing benefits and minimizing adverse impacts, using ecosystem enhancement as a basis to enhance broader economic and social revitalization

Authority of MRRIC

- MRRIC would have advisory authority to make recommendations to the Army Corps of Engineers (COE) and/or jointly to the COE and the U.S. Fish and Wildlife Service (USFWS) (pages 11-13)
- It may also advise
 - The US Environmental Protection Agency (USEPA), US Bureau of Reclamation (USBOR), US Park Service (USPS), Western Area Power Administration (WAPA) and other Federal agencies
 - Tribes and States as appropriate

Authority of MRRIC

- While MRRIC would have only advisory authority, its consensus recommendations would carry special weight with concerned agencies
- The COE and USBOR would be implementing agencies

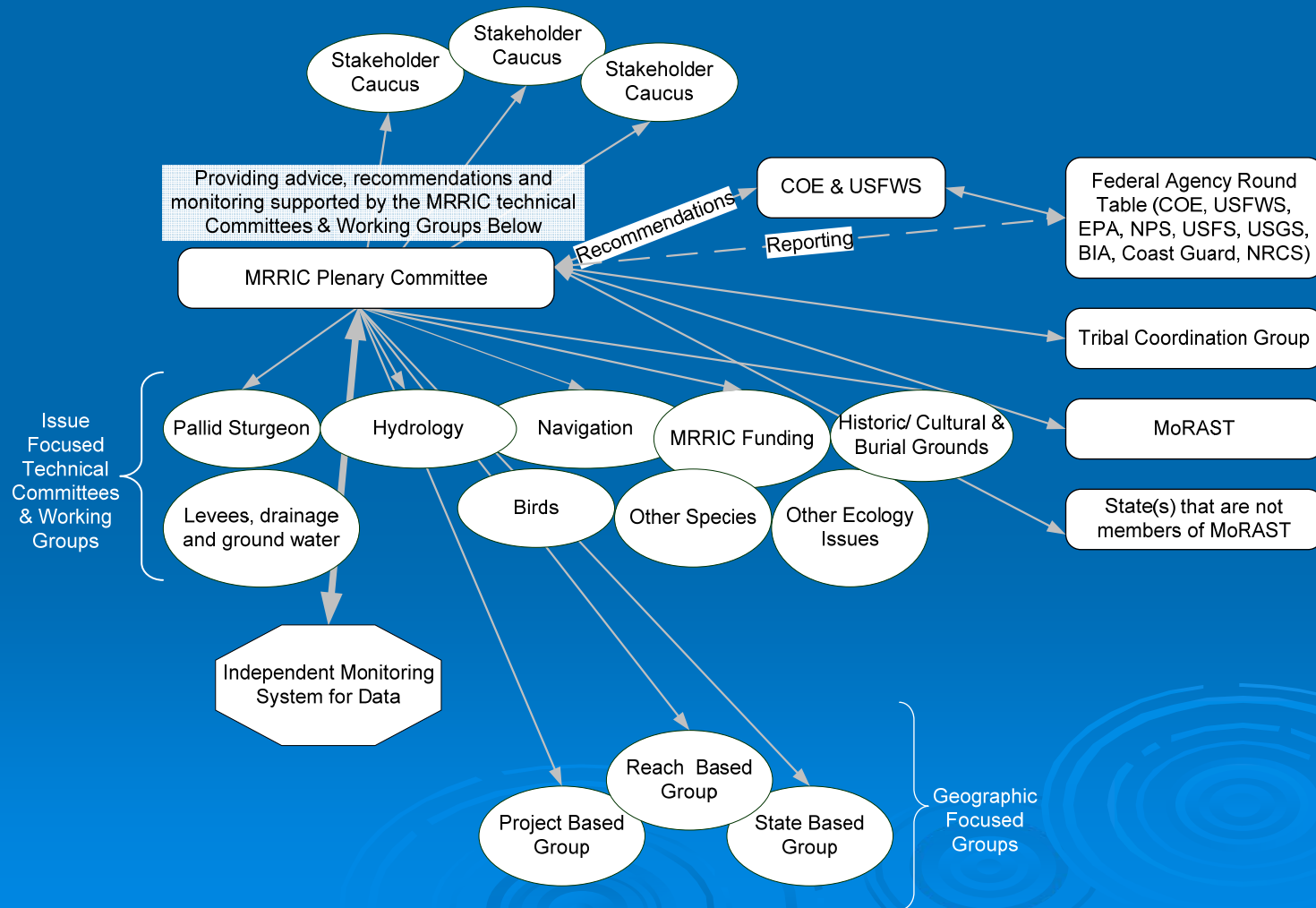
Structural Components of MRRIC

(pages 13-20)

- Plenary Committee (similar in design to Spring Rise Plenary)
- Technical Committees and diverse kinds of Working Groups (whose members may not all be members of the Plenary Committee)
- Stakeholder Caucuses (whose members also may not all be members of the Plenary Committee)
- Consider Executive Committee and/or Executive Secretary or Chairperson
- Facilitators

Diagram of Possible Configuration

(page 20)



Membership on Plenary (pages 20-26)

- Broad categories essential (Appendix VII)
- Upstream/Downstream, State/Tribal/Federal and non-Governmental balance necessary (page 23)
- Desirable characteristics of members (page 24) and consistency requirements
- Levels of authority of members (page 25)

Process for Selection (pages 26-29)

- Selection can be enhanced and accomplished by:
 - Generally agreed upon principles (page 28)
 - Appointment by government officials or agencies
 - Selection by stakeholder interest group, or by a “Selection and Planning Committee?” (page 29) whose initial members are selected by stakeholders or and independent entity

MRRIC Decision Making Process

(pages 29-32)

MRRIC should:

- Strive for consensus because of the power of that process and political/technical difficulties of other procedures (page 30)
- Develop specific “fall back” processes if consensus is not possible (page 31)
- Consider the appropriate role of Federal agencies in deliberations and decision making—providing technical assistance, parameters for consideration and reality testing, involvement in deliberations, and role in decisions on recommendations (page 32)

Interagency and Intergovernmental Involvement with MRRIC (pages 33-35)

- MoRAST and MRRIC — Separate but close coordination, and need to clarify roles
- MRB Federal Agency Roundtable Role— Separate but with coordination, and need to clarify agency commitments, roles and responsibilities, decision making and cost-sharing
- Tribal Role—Tribal caucus or intertribal coordination group

Issues (pages 35-38)

- Broad range listed—from water allocation to monitoring
- Many issues highly political and emotional
- Good, compelling, defensible science critical to effective decision making



Good Data, Good Science (pages 38-42)

MRRIC will need a process to:

- Identify data needs
- Identify data gaps
- Address and mitigate dynamics/politics effecting data and its credibility
- Determine and implement jointly acceptable processes for data collection, setting research priorities, analysis/interpretation of information and resolution of data disputes that will allow MRRIC to move forward, make recommendations not have them challenged and have them implemented?

Funding—Key Issues (page 43)

- Consistency and predictability of long-term funding
- Federal government or Congressional responsibility
- Need for reimbursement of non-agency, non-industry participants' expenses on an as needed basis

Trust Building (page 44)

- Development of trust is one of the most frequently mentioned goals and measurements of success
- Requires listening, work to understand others
- Consistent enforcement of protocols essential
- Charter and protocols must be clear, specific
- Overall expectations include checking out assumptions, not attributing motives, negotiating in good faith

Protocols, Guidelines and Groundrules (page 45)

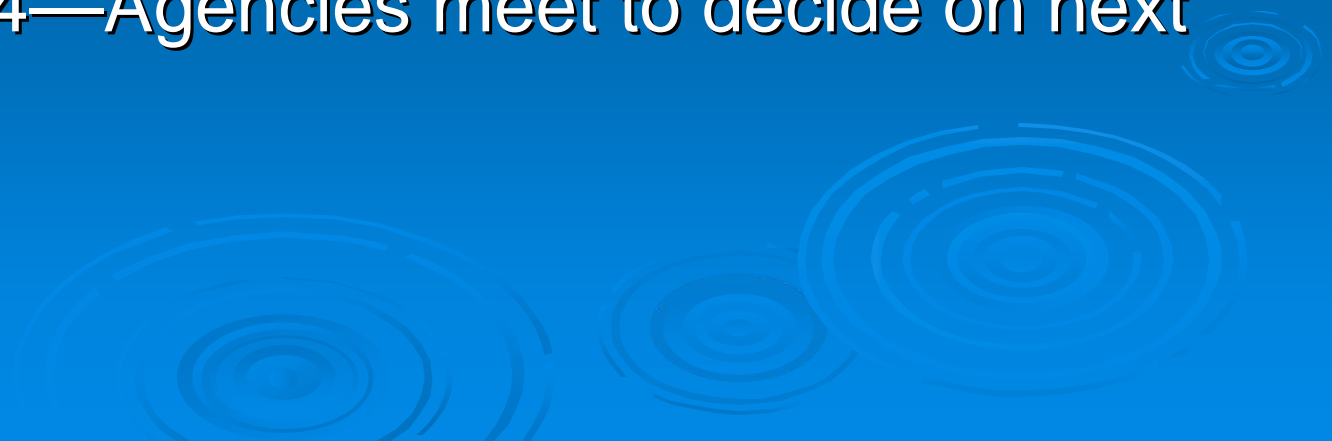
➤ Proposed additions to Spring Rise protocols include:

- Need for whole group commitment to standards for behavior outside of meetings
- Relationships, liaison with press must be spelled out
- Being respectful does not preclude disagreement
- Monitoring and enforcement procedures
- Ways to address concerns about facilitation

Federal Advisory Committee Act (FACA) (page 44-45)

- Implications for
 - Definition of MRRIC mandate, goals
 - Selection of members
 - Public input
 - Decision making process and authority
- Federal agencies must make this decision, with the assistance of the US Institute for Environmental Conflict Resolution

Possible Timeline (page 46)

- February 28—Presentation of draft Situation Assessment Report in Omaha
 - February 28-March 10—Public comment on Report
 - March 13-17—Revision to draft
 - March 17—Release of final Report
 - March 20-24—Agencies meet to decide on next steps
- 

CDR Team Recommendations

(Appendix VIII, page 68-72)

MRRIC participants must make decisions regarding the operations of this process. What follows are thoughts, ideas, suggestions and recommendations based on discussions with stakeholders; and “best practices” gleaned from other processes and the experience of CDR Associates.

- Mandate: Working under the ESA on species recovery efforts can provide an effective umbrella for both specific and broader “health of the basin” initiatives. We suggest that the primary goals MRRIC should be ecosystem level initiatives to recover species, enhancement of benefits to other uses, and balance and mitigation of impacts on authorized uses.

CDR Team Recommendations

(Appendix VIII, page 68-72)

- Accountability, Reporting and Authority: MRRIC should report directly to the agencies responsible for implementation of ESA recovery actions - at a minimum, the COE/USFWS. MRRIC is an advisory body mandated to develop recommendations, It does not have final decision making authority. This rests with Federal agencies.
- Agency Commitments: Agencies should make a public commitment to seriously consider approval and implementation of consensus recommendations made by MRRIC, and report back to the Committee with any reasons why they cannot do so.

CDR Team Recommendations

(Appendix VIII, page 68-72)

- Size & Composition of MRRIC: The MRRIC Plenary Committee should be large enough to reflect the diversity of views of stakeholders in the basin, and small enough to make decisions. The Plenary Committee should consider how it can delegate authority and work on recommendations to various kinds of sub-committees.
- Characteristics of Members and Levels of Authority: Members of MRRIC should have all or most of the characteristics identified in the report, and have the authority to speak for their organizations, either as leaders or as appointed by their leaders.

CDR Team Recommendations

(Appendix VIII, page 68-72)

- Federal Agency Participation A decision needs to be made regarding the appropriate role(s) of Federal agencies in MRRIC's deliberations and decision making on recommendations. Agencies may play different roles on different issues. These decisions may be made unilaterally by agencies, or through discussions with other MRRIC members.
- Selection of members: A fair and transparent process will need to be agreed upon for the selection of members of MRRIC. The two possible approaches have been identified and should be considered. Assistance of an impartial third party may be needed to implement either of them.

CDR Team Recommendations

(Appendix VIII, page 68-72)

- Decision Making: Decision making should be by consensus, but clear back-up measures should be in place if a united judgment cannot be reached.
- Science and Data: MRRIC must focus on and reach mutually acceptable agreements on how the range of data issues identified by stakeholders will be addressed. Decisions on how to handle these issues should be one of its first orders of business for the Committee.
- Federal Agency Coordination: Federal agencies should work together to develop a joint MOA concerning their working relationships, roles and responsibility, internal communications, decision making and funding.

CDR Team Recommendations

(Appendix VIII, page 68-72)

- Tribal Participation Tribal participation is important. Even if each tribe is not present at all meetings, key participants should keep all tribal members informed about MRRIC activities
- Coordination and Involvement of Governmental Agencies: MRRIC must closely coordinate with the MRB Federal Agency Roundtable, MoRAST and other existing groups, while maintaining its independence.
- Trust: MRRIC needs to develop a charter and protocol to which every member can subscribe and support. The protocol must contain feedback mechanisms and clear enforcement processes. The presence of these documents and procedures will help lay the groundwork for the trust that is essential for the process to work.

CDR Team Recommendations

(Appendix VIII, page 68-72)

- Cooperative Participation: Members of MRRIC should commit to honest discussion of values and interests, support the process both inside and outside of meetings and seek solutions that will achieve the mandate, maximize benefits to all parties and mitigate impacts.
- Timely Implementation: Federal agencies should make requisite decisions in a timely manner to assure that MRRIC can be convened at the earliest possible date.